IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 969/2004
(Santosh Kumar Vs. State of Rajasthan & Anr.)

Date of Order : 26/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. D.K.Gaur for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Sandeep Mehta for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 20.10.2004 passed by Sessions Judge, Bikaner (for short 'the revisional court' hereinafter) in Criminal Revision No.84/04, whereby the revision petition filed by the petitioner against the order dated 20.4.2004 passed by Judicial Magistrate, Loonkaransar, district Bikaner (for short 'the trial court' hereinafter) in Criminal Misc. Case No.69/98, was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders impugned as also record of the courts below.

From the perusal of the record of the trial court, it appears that in the year 1998, the non-petitioner No.2 filed an application under Section 125 Cr.P.C. seeking maintenance. That application, it appears that has been lingered on, on account of non-appearance of the petitioner. On various occasions, the petitioner failed to appear and exparte proceedings were drawn and subsequently on his application, these exparte orders have been repeatedly set aside by the trial court. It shows the conduct of the petitioner that he is deliberately keeping himself away from the court and allowing the court to proceed exparte and comes forward with the same plea and seeks setting aside the exparte proceedings and the trial court has been liberally setting aside the orders on various occasions. In the circumstances, therefore, in my view, the revisional court as well as the trial court were justified in not setting aside the exparte order.

The petition has no force and is therefore, dismissed. Stay petition also stands dismissed. Record of the trial court be returned forthwith.

(H.R.PANWAR),J.

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